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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,770	12/29/2003	Joseph L. Cordina	5014-0002	6490

7590 12/17/2004

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EXAMINER

ELDRED, JOHN W

ART UNIT PAPER NUMBER

3644

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,770

Applicant(s)

CORDINA ET AL

Examiner

J. Woodrow Eldred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 11, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (6,246,320) in view of Ord (3,704,845).

Monroe ('320) disclose substantially all claimed elements of the claimed system for alerting a cockpit crew of a dangerous situation occurring on an airborne aircraft, including means to initiate and transmit coded security signals to the cockpit and to outside ground systems and to all other mobile units carried by personnel, either a hard-wired or a wireless communication system within the aircraft, and mobile communication units carried by personnel. Monroe ('320) fails to specify that the mobile communication units will be carried by personnel within the aircraft during flight and will be activated by them to signal a dangerous passenger situation to the cockpit crew, although it does specify within the patent that the system can be used in flight, that personnel can carry mobile communication units, and that all elements of the system can communicate with other systems. Monroe ('320) also fails to specify that the mobile communication units will transmit a "plurality of selectable signals, the each selectable signal providing specific information on the dangerous situation within the cabin." See especially Figures 9, 6b; column 17, lines 13-45, column 17, line 60-column 18, line 4; and column 20, lines 16-19. Note also that Patent 5,798,458 is cited in column 17, line 22, as providing detailed description of the in-flight security system. This system clearly meets the limitations of providing a signal that includes "specific information on the dangerous situation", including activation of both video and means to detect gunshots or explosions. This system, as well as Figure 6, is also considered to read over the "antenna sending unit" of the current claims. Ord teaches that it is known to have crew members in the

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cabin of an aircraft in flight activate (i.e. choose and press a particular button) a warning system which sends selectable signals to the cockpit, in which each signal indicates a particular dangerous situation, including passenger problems. See Figure 4 and column 3, line 36 – column 4, line 5. Motivation to combine is the clear efficiency and speed available in the Ord system that allows a particular warning to be sent with the press of a single button. To employ the teachings of Ord and have personnel on the plane use the mobile units to send a selectable signal indicating a particular security problem, which will be transmitted to the cockpit display of Monroe ('320) for the benefit of crew located within the cockpit, is considered to have been obvious to one having ordinary skill in the art. Note that, without further limitation, the mobile elements disclosed within the references are considered to read over "fobs".

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe and Ord as applied to claims 1-6, 9, 11, and 16-18 above, and further in view of Kivela et al.

Monroe fails to disclose the alert signal that a signal is being received by a mobile unit is a vibration. Kivela et al teach that it is known to use vibrations as an alert that signals are being received by a mobile communication unit. See especially column 7, lines 38-40. Motivation to combine is the teaching by Kivela et al that a variety of such signals are appropriate for use as an alert or alarm signal in such devices. To employ the teachings of Kivela et al and Ord on the aircraft alert system of Monroe and have vibration alarms is considered to have been obvious to one having ordinary skill in the art.

4. Claims 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe and Ord as applied to claims 1-6, 9, 11, and 16-18 above, and further in view of Flick.

Monroe fails to disclose that the system sends test signals to test the operation of the fobs. Flick teaches that it is known to use test signals to diagnose the operation status of mobile communication units. See especially column 2, line 51-column 3, line 39. Motivation to combine is the increased performance available by being able to determine the operational status of the communication units. To employ the teachings of Flick and Ord on the aircraft alert

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system of Monroe and have the claimed test signal and procedures is considered to have been obvious to one having ordinary skill in the art.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

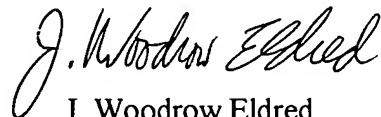
6. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,676,078 in view of Monroe ('320). The patent 6,676,078 fails to claim that an alert signal is provided to the plurality of fobs concerning the dangerous situation. Monroe teaches that it is known to provide communication to any, or all, of the mobile communication units of an aircraft alert system. See especially column 17, line 60-column 18, line 2. Motivation to combine is the clearly increased performance by having all personnel with mobile communication units, or fobs, apprised of the alert situation. To employ the teachings of Monroe on the system of 6,676,078 and have communication between all the mobile units is considered to have been obvious to one having ordinary skill in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 703-306-4151. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

A handwritten signature in cursive script, reading "J. Woodrow Eldred".

J. Woodrow Eldred
Primary Examiner
Art Unit 3644

JWE

December 13, 2004